

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

RONALD MUNGRO,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 04-1304
)	Judge Conti
M.H. HARTWIGER,)	Magistrate Judge Caiazza
JEFFREY A. BEARD,)	In Re: Doc. 51
)	
Defendants.)	

ORDER

AND NOW, this 4th day of October, 2005;

Defendant M. H. Hartwiger having filed a Motion for Summary Judgment and brief in support thereof.

IT IS HEREBY ORDERED that the Plaintiff shall be allowed until November 4, 2005, to respond to the Motion. The Plaintiff is advised that his response to the motion may include opposing or counteraffidavits (executed by the plaintiff or other persons) which have either been sworn to under oath (notarized) or include at the end of the document, immediately before the Plaintiff's signature, the following in accordance with 28 U.S.C. § 1746: "I declare under penalty of perjury that the foregoing is true and correct. Executed this _____ day of _____, 2005."

IT IS FURTHER ORDERED that all affidavits, opposing or counteraffidavits must be based upon the personal knowledge of the person executing the affidavit; that no affidavit, amended complaint, pretrial narrative or other document containing

plaintiff's allegations will be considered when determining the motion for summary judgment unless it has been notarized before a notary public or unless it contains a declaration under penalty of perjury as set forth above; that plaintiff may attach to his affidavit copies of any depositions, answers to interrogatories, institutional records or other documents he wishes this court to consider when addressing the summary judgment motion; and that the motion for summary judgment will be evaluated under the procedure standard set forth in Rule 56 of the Federal Rules of Civil Procedure; and that failure to respond may result in entry of judgment against him.

IT IS FURTHER ORDERED that each party shall serve upon the opposing party a copy of every pleading or other document submitted for consideration by the court and shall include on the original document filed with the Clerk of Court a certificate stating the date a true and correct copy of the pleading or document was mailed to each party. Any pleading or other document received by a district judge or magistrate judge which has not been filed with the Clerk or which fails to include a certificate of service may be disregarded by the court.

IT IS FURTHER ORDERED that the parties are allowed ten (10) days from this date to appeal this order to a district judge pursuant to Rule 72.1.3(B) of the Local Rules for Magistrates.

October 4, 2005

s/Francis X. Caiazza
Francis X. Caiazza
U.S. Magistrate Judge

CC:

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